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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MICHAEL MONTGOMERY,

11 Plaintiff,

12 vs.

13 WAL-MART STORES, INC.;
14 KINDERHOOK INDUSTRIES II,
15 L.P.; KINDERHOOK INDUSTRIES,
16 L.L.C.; KINDERHOOK CAPITAL
17 FUND II, L.P.; CRESTWOOD
18 HOLDINGS, INC.; BERGAN, L.L.C.;
JOHN ELMBURG; ROBERT
ELMBURG; ERIC ELMBURG;
ROCKY FLICK; HOME DEPOT
U.S.A., INC.; DOES 1 through 20,
inclusive,

19 Defendants.

CASE NO. 12CV3057 JLS (DHB)

**ORDER (1) RESETTING MOTION
HEARINGS; AND (2) SETTING
BRIEFING SCHEDULES**

(ECF Nos. 29, 31, 40, 41, 42)

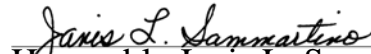
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21 Presently before the Court are Defendant Robert Elmburg's Motion to Dismiss
22 for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to
23 State a Claim (12(B)(6)), and Motion to Strike (12(F)) (ECF No. 29); and Defendant
24 Rocky Flick's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of
25 Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)).
26 (ECF No. 31). A hearing on the motions is currently set for April 2, 2013. The Court
27 **HEREBY RESETS** the hearing for Thursday, April 11, 2013, at 1:30 p.m.

28 Also before the Court are Defendant Bergan, LLC's Motion to Dismiss for Lack

1 of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike
2 (12(F)) (ECF No. 40); Defendant Crestwood Holdings, Inc.'s Motion to Dismiss for
3 Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State
4 a Claim (12(B)(6)) and Motion to Strike (12(F)) (ECF No. 41); and Defendants John
5 Elmburg and Eric Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction
6 (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and
7 Motion to Strike (12(F)) (ECF No. 42). A hearing on the motions is currently set for
8 April 11, 2013. The Court **HEREBY SETS** the following briefing deadlines for all five
9 motions before the Court: Plaintiff Michael Montgomery **SHALL FILE** an opposition
10 on, or before, March 28, 2013. Defendants **SHALL FILE** a reply, if they wish, on or
11 before, April 4, 2013.

12 **IT IS SO ORDERED.**

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14 DATED: March 20, 2013

15 
16 Honorable Janis L. Sammartino
17 United States District Judge
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